

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Vincent Jermaine Rice,)	C/A No. 0:15-2861-RMG-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Levern Cohen, <i>Warden</i> ; Ernest Rome, <i>Hearing</i>)	
<i>Officer, SC Dept of Corrections,</i>)	
)	
Defendants.)	
_____)	

The plaintiff, Vincent Jermaine Rice, a self-represented state prisoner, brings this civil rights action pursuant to 42 U.S.C. § 1983 alleging a violation of his constitutional rights. This matter is before the court pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.) for pretrial proceedings. On March 15, 2016, the defendants filed a motion for summary judgment, (ECF No. 36), to which Rice filed a response in opposition. (ECF No. 40.) Upon review of the filings in this matter, the court finds that additional briefing is needed.

First, the parties are directed to address whether the September 18, 2014 decision of the Honorable S. Phillip Lenski, South Carolina Administrative Law Judge, collaterally estops or otherwise precludes the defendants from arguing that there was no due process violation at Rice's disciplinary hearing, which potentially could entitle Rice to nominal damages. Further, review of the defendants' motion reveals that they failed to address a claim that was construed by the court as being raised in this matter—a state law claim of intentional infliction of emotional distress. (See Order, ECF No. 10 at 1.)

Based on the foregoing, it is hereby

ORDERED that the parties shall have until **September 20, 2016** to file a memorandum of law addressing the above issues. It is further

ORDERED that the parties shall have until **September 27, 2016** to file responsive memoranda, if either party so desires.

IT IS SO ORDERED.



Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

September 6, 2016
Columbia, South Carolina